

Amendments to Senate Bill No. 269
1st Reading Copy

Requested by Senator Roy Brown

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo
February 9, 2009 (8:53am)

1. Title, page 1, line 10.

Following: "37-53-205,"**Insert:** "37-53-301, 37-53-302,"

2. Title, page 1, line 11.

Strike: "37-53-301, 37-53-302,"

3. Page 3.

Following: line 14**Insert:** "(18) "Timeshare salesperson" means a person who for a salary, commission, or compensation of any kind is associated with a timeshare development to sell, purchase, or negotiate for sale, purchase, lease, or exchange of the timeshare interests in real estate and who, on behalf of a developer, sells or offers to sell a timeshare to a purchaser."**Renumber:** subsequent subsection

4. Page 3.

Following: line 28**Following:** "(3) qualifications for applicants as provided in 37-53-301;

(4) continuing education requirements for renewal of a timeshare salesperson's license;"

Renumber: subsequent subsections

5. Page 6.

Following: line 7**Insert:** "Section 7. Section 37-53-301, MCA, is amended to read:

"37-53-301. Licensure of timeshare brokers and timeshare salespersons -- licensee duties. (1) ~~(a)~~ A person offering timeshare units for his own account or for the account of others intervals in a project located in Montana must be licensed as a timeshare salesperson ~~or timeshare broker and affiliated with at least one registered timeshare project~~ unless the offering is exempt under 37-53-205.

(2) Licensure may be obtained upon:~~(i)(a) upon completion of an application and personal disclosure statement and passage of an examination prescribed by~~

~~the board demonstrating knowledge of the timeshare industry and this chapter;~~

~~(b) meeting the qualifications listed in subsection (3);~~

~~(c) demonstration to the board that the applicant is an individual of good repute and competent to transact the business of a timeshare salesperson in a manner that safeguards the interests of the public;~~

~~(d) payment of fees set by the department by rule; and~~

~~(ii)(e) upon successful completion of a course of education related to the timeshare industry that has been approved by the board.~~

~~(b) The board shall then issue a certificate of completion to the applicant.~~

~~(2) A person licensed as a real estate broker or salesperson under Title 37, chapter 51, may act as a timeshare salesperson or timeshare broker upon successful completion of a course of education related to the timeshare industry that has been approved by the board. The board shall then issue a certificate of completion to the applicant. No license other than that issued pursuant to Title 37, chapter 51, is required.~~

~~(3) An applicant for a timeshare salesperson license must:~~

~~(a) be at least 18 years of age; and~~

~~(b) have graduated from an accredited high school or completed equivalent education as determined by the board.~~

~~(4) The board shall issue a certificate of completion to an applicant who successfully completes the course of education provided for in subsection (1)(e) and may issue a license to an applicant meeting the qualifications and licensure provisions.~~

~~(5) A licensed timeshare salesperson shall notify the department of a change of affiliation within 10 days of the change, designate the new license affiliation, and pay all required fees.~~

~~(6) If a timeshare salesperson is no longer affiliated with a timeshare project, the timeshare salesperson shall notify the board that the license is inactive and pay the fees required by rule. A timeshare salesperson may reactivate an inactive license by filling out an application, listing a new affiliation, and paying all required fees."~~

~~{ Internal References to 37-53-301: None. }~~

Insert: "Section 8. Section 37-53-302, MCA, is amended to read:

"37-53-302. Denial, suspension, or revocation of license or application. The board may by an order deny, suspend, or revoke a timeshare salesperson's or timeshare broker's license or application for license if the board finds that the order is in the public interest and that the applicant or licensee:

(1) ~~has filed an application for licensure and personal disclosure statement as a timeshare salesperson or timeshare broker that is incomplete in any material respect or contains any statement that is, in the light of the circumstances under which it was made, false or misleading with respect to any material~~

fact;

(2) has violated or failed to comply with any provision of ~~this chapter, rules adopted under this chapter, or Title 37, chapter chapters 1, 51, and 53, or any rules adopted by the board~~ if the violation or the failure to comply related to the timeshare business;

(3) has been convicted of a felony involving theft, fraud, or any consumer protection statute or a felony involving moral turpitude and related to the occupation of timeshare salesperson or timeshare broker unless the provisions of Title 37, chapter 1, part 2, are met;

(4) is permanently or temporarily enjoined by a court from engaging in or continuing any conduct or practice involving an aspect of the timeshare business;

(5) has engaged in dishonest or unethical practices related to public health, welfare, and safety in the timeshare business; or

(6) has not complied with any condition imposed by the board or ~~is not qualified on the basis of knowledge of the timeshare industry or this chapter.~~"

{Internal References to 37-53-302: None.}"

Renumber: subsequent sections

6. Page 9, line 2 through line 3.

Strike: "37-53-301," on line 2 through "37-53-302," on line 3

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